

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-732-FL

EMMERLI WILCOXSON,

Plaintiff,

v.

DIANA PAINTER, individually and in her
official capacity, PHILIP D. MATTHEWS,
individually and in his official capacity,

Defendants.

ORDER ON APPLICATION FOR COSTS

This matter is before the clerk on the supplemental application for costs filed by defendant Diana Painter [DE-103] and defendant Philip D. Matthews' motion for clarification [DE-104]. Both motions follow the clerk's May 16, 2016, Order [DE-102], which allowed the moving defendants' applications for costs in part.

With regard to defendant Painter, the clerk disallowed her application in part, without prejudice to supplement the request within 14 days with additional information supporting her request for costs for plaintiff's deposition transcript. Painter has timely supplemented her request, and the clerk finds that Painter is entitled to \$924.60 in costs for plaintiff's deposition transcript.¹

With regard to defendant Matthews' motion for clarification, he contends that the clerk made a clerical error in the May 16, 2016, Order [DE-102] by not including the costs for the video deposition of plaintiff. Defendant Matthews is correct. The clerk finds that defendant

¹ The calculation for this total includes the attendance fee (\$165.00) and fee for the video deposition (\$104.00). Although defendant Painter requests \$936.00 for the costs of plaintiff's original transcript and a copy, she is not entitled to recover costs for more than one copy. See Local Civil Rule 54.1(c)(1)(a) and (c)(2)(b). Accordingly, rather than tax \$936.00, the clerk taxes \$655.60—the same amount the court reporter charged defendant Matthews for a single transcript.

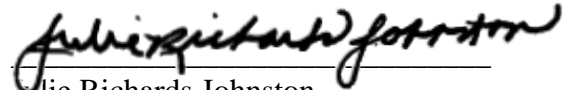
Matthews is entitled to an award of costs in the amount of \$1,016.57 for the video deposition of plaintiff.

CONCLUSION

For the foregoing reasons, defendant Diane Painter's supplemental application for costs [DE-103] is ALLOWED and she is awarded costs in the amount of \$925.00 for deposition transcripts pursuant to 28 U.S.C. § 1920(2). These costs are taxed against plaintiff and shall be included in the judgment.

Defendant Philip D. Matthews's motion for clarification [DE-104] is ALLOWED, and he is awarded costs in the amount of \$1,016.57 for the video deposition of plaintiff. These costs are taxed against plaintiff and shall be included in the judgment.

SO ORDERED. This the 17th day of June, 2016.


Julie Richards Johnston
Clerk of Court